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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
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12 AUSSIE PET MOBILE, INC.,

13 Plaintiff,

14 v.

15 CHARLES MAYER, KRISTEN  
16 MAYER, and KC MAYER  
17 ENTERPRISES, LLC, an Ohio limited  
liability company,

18 Defendants.  
19  
20  
21  
22

Case No. CV 08-5666 DSF (SHx)

Hon. Dale S. Fischer

**PRELIMINARY INJUNCTION**

1 TO CHARLES MAYER, KRISTEN MAYER, and KC MAYER ENTERPRISES,  
2 LLC, an Ohio limited liability company:

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4 On September 5, 2008, the application of Plaintiff Aussie Pet Mobile, Inc.  
5 (“APMI”) for a preliminary injunction enjoining Defendants Charles Mayer, Kristen  
6 Mayer, and KC Mayer Enterprises, LLC from *inter alia* filing suit or seeking any relief  
7 against Plaintiff APMI or APMI’s Franchisor-Related Persons/Entities (as defined in the  
8 Franchise Agreement between the parties)<sup>1</sup> in Ohio, or in any court other than in the  
9 Central District of California, came on regularly for hearing.

10  
11 Appearing for Plaintiff was attorney Rex T. Reeves of MulcahyReeves LLP.  
12 Appearing for Defendants was attorney David C. Baker of Hart, King & Coldren LLP.

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14 Having considered all of the arguments (written and oral) and evidence before it,  
15 the Court made certain Findings of Fact and Conclusions of Law, which are set forth in  
16 the Minute Order attached hereto as Exhibit A.

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22 <sup>1</sup> APMI’s “Franchisor-Related Persons/Entities” are defined in the Franchise Agreement  
23 (at § 2) as, and shall include for purposes of this Order and Preliminary Injunction,  
24 “Aussie Pet Mobile, Inc., Aussie Pet Mobile International, Inc, each Aussie Pet Mobile  
25 marketing and/or advertising fund, each Franchisee Advisory Council (“FAC”),  
26 Franchisee Marketing Group (“FMG”), (and their members), and each and all of the  
27 following, whether past, current and/or future: Each and all company(ies) and/or  
28 person(s) acting through, in concert, affiliated and/or associated in any way with, any of  
the foregoing, each and all of the partners, shareholders, officers, directors, agents,  
attorneys, accountants, and/or employees of any of the foregoing (including but not  
limited to Ian W. Moses and/or Vivienne McIntosh), as well as each and all of the  
successors and/or assigns of any of the foregoing.”

1 In accordance with the Court's Findings of Fact and Conclusions of Law, THE  
2 COURT HEREBY ORDERS that you (*i.e.*, Charles Mayer, Kristen Mayer, and KC  
3 Mayer Enterprises, LLC, and each of you), your agents, servants, employees, partners,  
4 assigns and all those acting under, in concert with, or for you or them, ARE HEREBY  
5 RESTRAINED AND ENJOINED:

- 6
- 7 1. From filing or pursuing any action against APMI or APMI's Franchisor-  
8 Related Persons/Entities in the courts of the State of Ohio; and
  - 9  
10 2. From seeking any relief as against APMI or APMI's Franchisor-Related  
11 Persons/Entities, or filing or pursuing any action against them, in any court  
12 other than in the Central District of California.
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14 IT IS FURTHER ORDERED that the undertaking in the amount of \$1,500.00  
15 previously filed by Plaintiff in this action is appropriate and that it shall be maintained  
16 pending the conclusion of this action.

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18 IT IS SO ORDERED.

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21 Date: 9/9/08



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Hon. Dale S. Fischer  
United States District Court Judge

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25 Submitted by:  
26 Rex T. Reeves  
27 MulcahyReeves LLP  
28 Attorneys for Plaintiff  
Aussie Pet Mobile, Inc.